

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.; 05-10-SLR
	)	
JOSEF J. MURPHY,	)	
	)	
Defendant.	)	

MOTION FOR CONTINUANCE OF CHANGE OF PLEA

TO: Beth Moskow-Schnoll, AUSA  
U.S. Attorneys Office  
1007 Orange Street, #700  
Wilmington, DE 19899

1. Defendant, Josef Murphy, submits this unopposed Motion for a continuance of Change of Plea. This Motion is based on the following. The Change of Plea is now set before this Court to occur on Wednesday, May 18, 2005 at 5:00 p.m. Defendant has been charged with multiple counts of money laundering and is prepare to enter a plea to a single count in violation of 18 U.S.C. §1956 and a single count in violation of 18 U.S.C. §1957. The Plea Agreement contemplates an agreement as to forfeiture and involves a "substitute asset" in the form of real estate. At present, the parties are reviewing the value of the real estate involved. To that end, the Government has secured an appraisal of the property and the Defendant expects to have another appraisal done by May 18, 2005.

2. Because the real property is titled in the name of the Defendant and his wife as tenants by the entirety, the Defendant's spouse (who was not involved in the charged offenses) has an interest in the resolution of the forfeiture issue. To that end, she is making arrangements to secure separate counsel to advise her regarding the forfeiture issue. We anticipate that wife can secure such advice by May 24, 2005.

3. Once the forfeiture issue is resolved (which we expect in the next week) both the Government and the Defendant expect the plea to go forward.

WHEREFORE, Defendant, Josef Murphy, requests the Court continue the sentencing for one week or more to accommodate the foregoing. The Government does not oppose this request and Defendant does not object to exclusion from a period of any continuance from the speedy trial calculations.

/s/ Edmund Daniel Lyons

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Edmund Daniel Lyons - 0881  
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Wilmington, Delaware 19899  
(302) 777-5698

Dated: May 17, 2005

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Plaintiff,	)	
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v.	)	Case No.; 05-10-SLR
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JOSEF J. MURPHY,	)	
	)	
Defendant.	)	

ORDER

GOOD CAUSE APPEARING therefore, it is hereby Ordered that a Change of Plea in the above referenced matter is continued to June \_\_\_\_\_, 2005 at \_\_\_\_\_ .m.

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The Hon. Sue L. Robinson

Dated:

AFFIDAVIT OF MAILING

I, Donna L. Hendricks, secretary for Edmund Daniel Lyons, Esquire hereby certifies that on this 17<sup>th</sup> day of May, 2005, I caused a copy of the attached: Motion For Continuance of Change of Plea, to be delivered electronically to the following:

Beth Moskow-Schnoll, AUSA  
1007 Orange Street, #700  
P. O. Box 2046  
Wilmington, DE 19899

The document is available for public viewing and downloading.

/s/ Donna L. Hendricks

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Donna L. Hendricks